

Case 20-32689-sgj11 Claim 4-1 Filed 02/05/21 Desc Main Document Page 1 of 6

Fill in this information to identify the case:

Debtor 1	<u>Movie Grill Concepts XXVI LLC</u>
Debtor 2 (Spouse, if filing)	
United States Bankruptcy Court for the:	Northern District of Texas <input type="checkbox"/>
Case number	<u>20-32689-SGI-11</u>

Official Form 410 Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 306) that you received.

Part 1: Identify the Claim							
1. Who is the current creditor?	<u>Kamat Damani</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____						
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____						
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<table><tr><td>Where should notices to the creditor be sent?</td><td>Where should payments to the creditor be sent? (if different)</td></tr><tr><td><u>KAMAT M. DAMANI</u> Name <u>[REDACTED]</u> Number Street <u>[REDACTED]</u> City State ZIP Code Contact phone <u>[REDACTED]</u> Contact email <u>[REDACTED]</u></td><td>Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____</td></tr><tr><td colspan="2">Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</td></tr></table>	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)	<u>KAMAT M. DAMANI</u> Name <u>[REDACTED]</u> Number Street <u>[REDACTED]</u> City State ZIP Code Contact phone <u>[REDACTED]</u> Contact email <u>[REDACTED]</u>	Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)						
<u>KAMAT M. DAMANI</u> Name <u>[REDACTED]</u> Number Street <u>[REDACTED]</u> City State ZIP Code Contact phone <u>[REDACTED]</u> Contact email <u>[REDACTED]</u>	Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____						
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____							
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on <u>10/1/20</u> / <u>10</u> / <u>2020</u>						
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____						

Case 20-32689-sgj11 Claim 4-1 Filed 02/05/21 Desc Main Document Page 2 of 6

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$188,584.82 Does this amount include interest or other charges?
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Damages for discrimination and wrongful discharge

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual interest rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? ☒ No

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Yes. Check one:

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	Amount entitled to priority \$ _____
<input type="checkbox"/> Up to \$3,026* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 5011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☒ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 01/28/2021
MM / DD / YYYY

Kamat
Signature

Print the name of the person who is completing and signing this claim:

Name KAMAT MIKE DAMAN
First name Middle name Last name

Title _____

Company _____

(Identify the corporate service as the company if the authorized agent is a service.)

Address _____
Number Street

City _____ State _____ ZIP Code _____

Contact phone _____ Email _____

**CALCULATION OF KAMAT DAMANI'S PROOF OF
CLAIM AMOUNT \$188,584.82**

Case Number 20-32689-sgj 11

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FILED
AUG 23 2023

1. Earned but unpaid overtime wages:
Approximately \$660.00.

2. Wages that would have been paid since May 1,
2018 to January 1, 2021 (Damani was terminated April 6,
2018): \$40,119.04.

3. Pre-judgment interest on \$34,119.04 from May1,
2018 to January 1, 2021: Approximately \$3,582.58.

4. Front Pay (from January 1, 2021 to January 1,
2026): \$75,223.20.

5. Compensatory damages: \$60,000.00.

6. Punitive damages: \$15,000.00.

7. Less non-Movie Grill Concepts XXVI, LLC
earnings post-termination from April 6, 2018-January 1,
2021: Approximately \$6,000.00.

**TOTAL CLAIM (\$660.00 plus \$40,119.04 plus
\$3,582.58 plus \$75,223.20 plus \$60,000.00 plus
\$15,000.00 less \$6,000.00): \$188,584.82.**

EXPLANATION.

1. **Earned but unpaid overtime.** At the time of Damani's termination his minimum wage was \$11.00 per hour. Damani was paid for overtime \$16.50 per hour (time and a half). He earned but was not paid for 40 hours of overtime hours. Forty (40) x \$16.50 is \$660.00.

2. **Back Pay-wages that would have ben paid.** Damani's W2 from Movie Grill-Movie Concepts XXVI, LLC shows \$4,074.57 for "wages, tips, other compensation." Damani was terminated April 6, 2018.

The W2 figure \$4074.57 divided by 13 weeks (from January 1, 2018-April 6, 2018) is 313.42846, or approximately \$313.43 per week.

The period May 1, 2018-Jan. 1, 2021 is thirty two (32) months or one hundred twenty eight (128) weeks.

One hundred twenty eight (128) weeks x \$313.43 is \$40,119.04.

3. **Pre-judgment Interest.** Computed on \$34,119.04. at 3.25 %, the prime rate of interest, compounded. The back pay of \$40,119.04 was reduced by \$6,000, the approximate amount of post termination earnings.

The prime rate on dates from March 22, 2018 through March 16, 2020 was above or equal to 3.25%. The prime rate for the months April 2020-December 2020 was 3.25%. The prime rate as of January 22, 2021 was 3.25%.

Case 20-32689-sgj11 Claim 4-1 Filed 02/05/21 Desc Main Document Page 6 of 6

4. Front pay. The period from January 1, 2021 to January 1, 2026 is five (5) years, or sixty (60) months, or 240 weeks. 240 weeks x \$313.43 per week is \$75,223.20.